

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
SOUTHERN FRUIT & VEGETABLE, INC,

Plaintiff,

-against-

VEN-CO PRODUCE, INC, ROBERT VENUTI,  
ANGELA VENUTI, GOTHAM BANK OF  
NEW YORK, HUNTS POINT TERMINAL  
PRODUCE CORPORATION  
ASSOCIATION, INC, et al.,Defendants.  
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10 cv 9518  
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DATE FILED: 12/29/10

**ORDER TO SHOW  
CAUSE WHY A  
PRELIMINARY  
INJUNCTION SHOULD  
NOT BE ISSUED**

Upon the Application<sup>1</sup> of Southern Fruit & Vegetable, Inc (the "Plaintiff"),  
Affidavit of Keith Sherrill, in support, memorandum of law and all related papers  
submitted herewith, it is hereby

**ORDERED** that the above captioned defendants show cause before a motion  
term of this Court, at Room 218, United States District Court for the Southern District  
of New York, 500 Pearl Street, New York, N.Y. 10007-1312, on ~~December~~ <sup>Jan.</sup> 4, 201<sup>1</sup>  
<sup>at</sup> ~~and~~ 11 o'clock 9 m, or as soon thereafter as counsel may be heard, why an order  
should not be entered pursuant to Rule 65 of the Federal Rules of Civil Procedure  
enjoining all of the defendants, their customers, agents, officers, subsidiaries, assigns, and  
banking institutions, during the pendency of this action, from transferring, alienating,  
dissipating, paying over or assigning any assets of Ven-Co or its subsidiaries or related  
companies, including the Co-ops, except to the Plaintiff, until further ordered by this  
Court, or until the defendants pay the Plaintiff the amount of \$60,896.00 by cashiers  
check or certified check, at which time this Order shall be dissolved; and it is further

<sup>1</sup> Capitalized terms which are not defined herein defined shall have the meanings ascribed to them in the  
Application in support of this Order to show cause.

**ORDERED** that the Plaintiff serve a copy of this Order, all supporting papers, and the related summons and complaint, by ~~Federal Express or other nationally recognized overnight delivery~~ **personal** ~~and~~ service upon the defendants ~~or~~ their counsel on or before December ~~30~~, 2010, and such service shall be deemed good and sufficient service thereof; and it is further

**ORDERED** that the defendants' opposition papers to the Plaintiff's request for a preliminary injunction, if any, shall be served so as to be received by the Plaintiff's counsel on or before ~~December 3~~ **Jan. 3, 2011**. **Parties are directed to engage in good faith settlement negotiations prior to the 1/4/11 conference.**

DATED: New York, New York

ISSUED:

12/29/10

**RMB**

UNITED STATES DISTRICT JUDGE